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July 12, 2002

## **BY ELECTRONIC COMMENT FILING SYSTEM**

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Report and Request for Waiver of IT&E Overseas, Inc. for  
Stations KNLF923 and KNLG849 on Implementation of TTY  
Digital Compatibility for 911 Emergency Calling  
CC Docket No. 94-102**

Dear Ms. Dortch:

On behalf of IT&E Overseas, Inc. ("IT&E"), pursuant to CC Docket No. 94-102, Fourth Report and Order, we hereby submit its report and request for waiver on implementation of TTY digital compatibility for 911 emergency calling for Stations KNLF923 and KNLG849.

### **Development Activities**

#### **(1) Network infrastructure software development**

IT&E currently uses Lucent Technologies ("Lucent") as the infrastructure provider for its CDMA system. Lucent has developed the software feature required for TTY digital compatibility.

#### **(2) Handset development and testing plans**

IT&E is in the process of inquiring about handsets with TTY digital compatibility.

**(3) Beta testing and lab testing**

The manufacturers are responsible for beta testing and lab testing.

**(4) Release and general availability to carriers of network infrastructure software**

Lucent has developed the software feature required for TTY digital compatibility. Lucent has begun the process of making the software feature available to IT&E.

**(5) Availability to carriers of full acceptance test units**

The availability of handsets with TTY digital compatibility is a prerequisite for full acceptance test units to be available.

**(6) Efforts toward achieving digital wireless solution compatibility with enhanced TTY devices**

Lucent has begun the process of making available to IT&E the software feature required for TTY digital compatibility.

**Testing and Deployment Activities****(7) Carrier coordination of testing with PSAP**

IT&E will coordinate testing with the PSAPs once the software feature required for TTY digital compatibility is installed.

**(8) Carrier testing activities, including field testing, consumer end-to-end testing and other necessary tests**

Testing will take place after the software feature required for TTY digital compatibility is installed.

**(9) Retail availability of necessary consumer equipment**

IT&E is in the process of inquiring about handsets with TTY digital compatibility.

**(10) Geographic scope of network infrastructure deployment**

Once IT&E's switch is upgraded to include the software feature required for TTY digital compatibility, TTY digital compatibility will be deployed throughout all parts of the Guam and Northern Mariana Islands BTAs where IT&E is capable of providing service to customers.

### **Request for Waiver**

IT&E requests waiver of section 20.18(c) of the Commission's rules.<sup>1</sup> Specifically it seeks (i) an extension of time up to and including December 31, 2002, in which to upgrade its systems to achieve TTY digital compatibility; and (ii) an extension of time up to and including June 30, 2003 to integrate TTY digital compatibility with the PSAPs.

An extension of time is justified because, as a small, rural carrier, IT&E was not in a position to initiate installation of the necessary software upgrade for TTY digital compatibility until the third quarter of 2002. IT&E has now made arrangements to install the software, and initially expected installation and testing to take approximately three months.

However, further additional time until December 31, 2002, is needed to install and test the software, because, on July 5, 2002, a typhoon directly hit Guam. Power and water service was totally out. Although water service has started to return, full power restoration may take as long as two months. Although IT&E was able to resume much of its PCS service as a result of emergency power back-up, its priorities have shifted to maintaining service in order to survive. Installation and testing of TTY compatibility must wait until the basics are taken care of.

Section 1.925(b)(3) of the Commission's rules states:

(3) The Commission may grant a request for waiver if it is shown that:

(i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or

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<sup>1</sup> Section 20.18(c) states:

(c) TTY Access to 911 Services. Licensees subject to this section must be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, e.g., through the use of Text Telephone Devices (TTY).

NOTE to paragraph (c): Operators of digital wireless systems must begin complying with the provisions of this paragraph on or before June 30, 2002.

(ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

47 C.F.R. § 1.925(b).

This waiver request of IT&E complies with Section 1.925(b)(3). Under subsection (i), the underlying purpose of the rule would be frustrated by application to the instant case because IT&E, as a small, rural carrier was unable to pursue installation of the necessary software upgrade to achieve TTY digital compatibility until the third quarter of 2002. Because IT&E is now diligently pursuing the necessary software upgrade, the underlying purpose of the rule is served.

Under subsection (ii), application of the rule would be inequitable and unduly burdensome because, as a small, rural carrier IT&E was not in a position to pursue the necessary software upgrade any sooner. Additional time is now needed so that IT&E can redirect its resources for the next few months to taking care of recovery from a typhoon. It is in the public interest to set priorities to recover from a natural disaster.

Although to receive a waiver, a petitioner need only fulfill the requirements of *either* subsection (i) *or* (ii), in this case IT&E has fulfilled the requirements of *both* subsections. Moreover, IT&E's waiver request is consistent with the waivers recently granted to rural carriers in *Revision of the Commission's Rules to Ensure Computability with Enhanced 911 Calling Systems*, CC Docket No. 94-102, Order, DA 02-15400, released June 28, 2002. Therefore, IT&E has justified its waiver request and asks that it be granted.

Please address any inquiries regarding this matter to the undersigned.

Respectfully submitted,

/s/

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